

REMARKS

Claims 1-23 are pending and rejected in this application. Claims 1, 13, 19 and 22 are amended hereby. The amendment of claim 22 was done to correct an error detected during a review of the claims.

Responsive to the rejection of claims 1, 5, 6, 9-12, 19, 20, 22 and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,618,749 (Saito et al.), Applicants have amended claims 1, 13 and 19 and submit that claims 1, 5, 6, 9-12, 19, 20, 22 and 23 are now in condition for allowance.

Saito et al. disclose an internet facsimile and email reception method including a failure mail identification section and delivery status notification mail identification section to identify whether or not the received email data is failure mail and delivery status notification mail, respectively. Based on the identification result, the specific information extraction section extracts information necessary for output from the email data. The format conversion section converts the extracted data to facsimile data. The data edit section edits the converted data. The edited data is transmitted by a facsimile communication unit to the facsimile by way of PSTN. This allows failure mail and delivery status notification mail to be distinguished from normal email, thereby saving recording paper (Abstract). Once the received data is identified as failure mail, specific information extraction section 35 extracts the error information and the image information of the original document from the received data. The extracted data is converted to facsimile data by format conversion section 37. The edited data is modulated by facsimile control section 28 and transmitted to facsimile 16 by way of PSTN 15 as shown in Fig. 1 (column 5, lines 22-42).

In contrast, claim 1 as amended recites in part:

generating a transmission report ... including an indication of success or failure of acceptance at a primary SMTP gateway of said email transmission.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Saito et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Saito et al. disclose an internet facsimile and email reception method including a failure mail identification section and delivery status notification mail identification section to identify whether or not the received email data is failure mail and delivery status notification mail, respectively. This discloses a system that deals with a delivery failure of the email. In contrast the present invention deals with connection information from an initial server and provides immediate feedback from the SMTP gateway as to the acceptance of a transmission. Rather than dealing with the ultimate delivery or non-delivery of the email as in Saito et al, the present invention deals with the acceptance of the transmission by the first SMTP server. When a rejection or an acceptance occurs at the initial SMTP server the information returned it is treated as the indication of transmission success or failure. This is in contrast to a reception success or failure dealt with in Saito et al. Therefore, Saito et al. and any of the other cited references alone or in combination, fail to disclose, teach or suggest the step of generating a transmission report including an indication of success or failure of acceptance in the primary SMTP gateway of the email transmission, as recited in claim 1.

An advantage of Applicants' invention is that there is a very quick response as to whether transmission is successful to the SMTP server, whereas email delivery notices or failure thereof sometime takes an extended period of time to make its way back to the sender. Another advantage of the present invention is that the user gets feedback as to the transmittability of the message in prompt manner. For the foregoing reasons, Applicants submit that claim 1, and claims 5, 6 and 9-12 depending therefrom are now in condition in for allowance, which is hereby respectfully requested.

In further contrast, claim 19 as amended, recites in part:

generating a transmission report ... including information pertaining to said email including an indication of success or failure of acceptance by a primary SMTP gateway of said email.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Saito et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Saito et al. disclose an internet facsimile and email reception method including a failure mail identification section and delivery status notification mail identification section to identify whether or not the received email data is failure mail and delivery status notification mail, respectively. This discloses a system that deals with a delivery failure of the email. In contrast the present invention deals with connection information from an initial server and provides immediate feedback from the SMTP gateway as to the acceptance of a transmission. Rather than dealing with the ultimate delivery or non-delivery of the email as in Saito et al, the present invention deals with the acceptance of the transmission by the first SMTP server. When a rejection or an acceptance occurs at the initial SMTP server the information returned it is treated as the indication of transmission success or failure. This is in contrast to a reception success or failure dealt with in Saito et al. Therefore, Saito et al. and any of the other cited references alone or in combination, fail to disclose, teach or suggest the step of generating a transmission report including information pertaining to an email including an indication of success or failure of acceptance by a primary SMTP gateway of the email, as recited in claim 19.

An advantage of Applicants' invention is that there is a very quick response as to whether transmission is successful to the SMTP server, whereas email delivery notices or failure thereof sometime takes an extended period of time to make its way back to the sender. Another advantage of the present invention is that the user gets feedback as to the transmittability of the

message in prompt manner. For the foregoing reasons, Applicants submit that claim 19, and claims 20, 22 and 23 depending therefrom are now in condition in for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 2-4, 7, 8, 13-18 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Saito et al. in view of U.S. Patent No. 6,650,890 (Irlam et al.), Applicants have amended claims 1, 13 and 19 and submit that claims 2-4, 7, 8, 13-18 and 21 are now in condition for allowance. Claims 2-4, 7 and 8 depend from claim 1, which is now in condition for allowance for the reasons given above. Claim 21 depends from claim 19, which is now in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 2-4, 7, 8 and 21 are now in condition for allowance, which is hereby respectfully requested.

Irlam et al. disclose a value added electronic messaging service and transparent implementation thereof using an intermediate server including producing replacement attachments such as thumbnail versions of the rich media items. Bad emails are saved in quarantine on a message center website and a notification email is sent to the user (column 5, lines 47-50 and column 6, lines 55-56).

In contrast claim 13 as amended, recites in part:

generating a transmission report ... including a thumbnail image associated with said email upon a successful transmission of said email, said successful transmission being defined as acceptance of said email at a primary SMTP gateway ...

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Saito et al., Irlam et al. or any of the other cited references, alone or in combination and includes distinct advantages thereover.

Saito et al. disclose an internet facsimile and email reception method including a failure mail identification section and delivery status notification mail identification section to identify whether or not the received email data is failure mail and delivery status notification mail,

respectively. Irlam et al. discloses a value added electronic messaging service that utilizes the thumbnail version of a rich media item and uses the thumbnail that is delivered to the user with a subsequent system generated email message. The combination of these references disclose a system that deals with a delivery failure of the email and the sending of a thumbnail that is delivered to the user with an email message. In contrast the present invention deals with connection information from an initial server and provides immediate feedback from the SMTP gateway as to the acceptance of a transmission. Rather than dealing with the ultimate delivery or non-delivery of the email as in Saito et al, the present invention deals with the acceptance of the transmission by the first SMTP server. When a rejection or an acceptance occurs at the initial SMTP server the information returned it is treated as the indication of transmission success or failure. This is in contrast to a reception success or failure dealt with in Saito et al. Therefore, Saito et al. and any of the other cited references alone or in combination, fail to disclose, teach or suggest the step of generating a transmission report including a thumbnail image associated with the email upon a successful transmission of the email, the successful transmission being defined as acceptance of the email at a primary SMTP gateway, as recited in claim 13.

An advantage of Applicants' invention is that there is a very quick response as to whether transmission is successful to the SMTP server, whereas email delivery notices or failure thereof sometime takes an extended period of time to make its way back to the sender. Another advantage of the present invention is that the user gets feedback as to the transmittability of the message in prompt manner. For the foregoing reasons, Applicants submit that claim 13, and claims 14-18 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are

therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,

/Max W. Garwood, Reg. No. 47589/

Max W. Garwood
Registration No. 47,589

Attorney for Applicant

MWG/dc/bd

Electronically filed December 28, 2007

TAYLOR & AUST, P.C.
142 S. Main Street
P.O. Box 560
Avilla, IN 46710
Telephone: 260-897-3400
Facsimile: 260-897-9300